IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8621 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SANGITABEN DILIPKUMAR PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR VIKRAM J THAKOR for Petitioner

Ms.Dawawala for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 17/08/2000

ORAL JUDGEMENT

Rule. Ms.Dawawala, Ld.Additional Central Govt.Standing Counsel waives service of rule for the respondent.

2. In this petition under Article 226 of the Constitution, the petitioner has prayed for a writ of mandamus directing the Regional Passport Officer, Ahmedabad to correct the mistakes in the petitioner's passport and to direct the authorities to issue fresh passport narrating the correct birth place of the petitioner as ANANDPURA, Taluka Kadi, District Mehsana .

3. The petitioner had earlier applied for a passport and in the said application the place of birth of the petitioner was shown as "Joranang", Taluka and Dist.Mehsana on the basis of entry made in the School Leaving Certificate(Annexure "B" to the petition). The petitioner has subsequently obtained a copy of the birth cerficate from Anandpura Gram Panchayat and the petitioner came to learn that the petitioner was born at Anandpura, Taluka Kadi, Dist.Mehsana. Joranang was the place where the petitioner's father was residing at the time of the petitioner's birth. A copy of the birth certificate issued by the competent authority is produced at annexure "A" to the petition.

4. In view of the above, the petitioner's application dated 13.5.2000 for fresh passport mentioning the petitioner's place of birth as Anandpura, Taluka Kadi shall be considered by the Regional Passport Officer on the basis of the material produced before him, more particularly, the birth certificate at annexure "A" to the petition. The petitioner's case accordingly be considered for issuing fresh passport as expeditiously as possible and in any case within a period of one month from the date of receipt of a certified copy of this order or the writ of this Court, whichever is earlier.

5. Rule is made absolute to the aforesaid extent.

Since the mistake in the earlier passport is not attributable to the respondent, the petitioner shall pay the costs of this petition, which are quantified at Rs.1,000/- to the respondent within two weeks from today.

Direct service is permitted.

17.8.2000 (M.S.SHAH,J)